

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID F. FISHER,
Petitioner,
v.
STEVE CAMBRA,
Respondent.

No. C 08-01635 CW (PR)
ORDER OF DISMISSAL

On July 7, 2008, after conducting a preliminary screening of the petition, the Court issued an Order Dismissing Petition with Leave to Amend upon determining that it was "impossible to ascertain from the petition what claims Petitioner seeks to bring in federal court, much less how he exhausted any of them in the state courts." (July 7, 2008 Order at 1.) The Court granted Petitioner thirty days from the date of the Order to file an amended petition providing factual and legal bases for his claims. The Court explained that if Petitioner did not file an amended pleading, the action would be dismissed with prejudice.

On July 14, 2008, Petitioner filed an amended petition, which contains the same unintelligible facts from his original petition.

In an Order dated October 20, 2008, the Court dismissed the amended petition with leave to amend and granted Petitioner thirty days from the date of the Order to file another amended petition providing factual and legal bases for his claims. The Court again explained that if Petitioner did not file an amended pleading, the action would be dismissed with prejudice.

The time for Petitioner to file his amended petition has passed, and no amended petition has been filed. Therefore, the

1 Court finds that Petitioner has failed to correct any pleading
2 deficiencies.

3 Accordingly, the petition is DISMISSED with prejudice for
4 failure to state a constitutionally cognizable claim for relief.
5 The Clerk of the Court shall enter judgment, terminate all pending
6 motions, and close the file.

7 IT IS SO ORDERED.

8 DATED: 11/24/08



CLAUDIA WILKEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DAVID F.FISHER,

Case Number: CV08-01635 CW

Plaintiff,

CERTIFICATE OF SERVICE

v.

STEVE CAMBRA et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 24, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

David Fred Fisher
1512 166th Avenue
San Leandro, CA 94578

Dated: November 24, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California